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**SUBSTITUTE HOUSE BILL 2629**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba, and Graham)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to waiving utility connection charges for certain  
2 properties; amending RCW 23.86.400, 24.06.600, 35.92.380, 36.94.140,  
3 and 54.24.080; adding a new section to chapter 35.92 RCW; and adding  
4 a new section to chapter 80.28 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 23.86.400 and 1996 c 32 s 1 are each amended to read  
7 as follows:

8 (1) (~~(As used in this section:)~~) The definitions in this  
9 subsection apply throughout this section unless the context clearly  
10 requires otherwise.

11 (a) "Attachment" means the affixation or installation of any  
12 wire, cable or other physical material capable of carrying electronic  
13 impulses or light waves for the carrying of intelligence for  
14 telecommunications or television, including, but not limited to  
15 cable, and any related device, apparatus, or auxiliary equipment upon  
16 any pole owned or controlled in whole or in part by one or more  
17 locally regulated utilities where the installation has been made with  
18 the necessary consent.

19 (b) "Locally regulated utility" means an electric service  
20 cooperative organized under this chapter and not subject to rate or  
21 service regulation by the utilities and transportation commission.

1 (c) "Nondiscriminatory" means that pole owners may not  
2 arbitrarily differentiate among or between similar classes of persons  
3 approved for attachments.

4 (d) "Domestic violence" has the same meaning as defined in RCW  
5 70.123.020.

6 (e) "Emergency shelter" means any facility:

7 (i) Whose sole purpose is to provide a temporary shelter for the  
8 homeless and that does not require occupants to sign a lease or  
9 occupancy agreement; and

10 (ii) That is funded in whole or in part from the state omnibus  
11 capital appropriations act, state omnibus operating appropriations  
12 act, housing finance commission programs, housing authorities, or  
13 local government housing funds.

14 (f) "Homeless person" has the same meaning as defined in RCW  
15 43.185C.010.

16 (2) All rates, terms, and conditions made, demanded or received  
17 by a locally regulated utility for attachments to its poles must be  
18 just, reasonable, nondiscriminatory and sufficient. A locally  
19 regulated utility shall levy attachment space rental rates that are  
20 uniform for the same class of service within the locally regulated  
21 utility service area.

22 (3) Nothing in this section shall be construed or is intended to  
23 confer upon the utilities and transportation commission any authority  
24 to exercise jurisdiction over locally regulated utilities.

25 (4) (a) A locally regulated utility located, in whole or in part,  
26 within a county or a city in which a state of emergency has been  
27 declared related to homelessness must waive connection charges for  
28 properties used by a nonprofit organization, local agency, or any  
29 other legal entity that provides emergency shelter for homeless  
30 persons or victims of domestic violence who are homeless for personal  
31 safety reasons.

32 (b) A locally regulated utility that is not located within a  
33 county or a city in which a state of emergency has been declared  
34 related to homelessness may waive connection charges for properties  
35 used by a nonprofit organization, local agency, or any other legal  
36 entity that provides emergency shelter to homeless persons or victims  
37 of domestic violence who are homeless for personal safety reasons.

38 **Sec. 2.** RCW 24.06.600 and 1996 c 32 s 2 are each amended to read  
39 as follows:

1           (1) ~~((As used in this section:))~~ The definitions in this  
2 subsection apply throughout this section unless the context clearly  
3 requires otherwise.

4           (a) "Attachment" means the affixation or installation of any  
5 wire, cable or other physical material capable of carrying electronic  
6 impulses or light waves for the carrying of intelligence for  
7 telecommunications or television, including, but not limited to  
8 cable, and any related device, apparatus, or auxiliary equipment upon  
9 any pole owned or controlled in whole or in part by one or more  
10 locally regulated utilities where the installation has been made with  
11 the necessary consent.

12           (b) "Locally regulated utility" means ~~((an [a]))~~ a mutual  
13 corporation organized under this chapter for the purpose of providing  
14 utility service and not subject to rate or service regulation by the  
15 utilities and transportation commission.

16           (c) "Nondiscriminatory" means that pole owners may not  
17 arbitrarily differentiate among or between similar classes of persons  
18 approved for attachments.

19           (d) "Domestic violence" has the same meaning as defined in RCW  
20 70.123.020.

21           (e) "Emergency shelter" means any facility:

22           (i) Whose sole purpose is to provide a temporary shelter for the  
23 homeless and that does not require occupants to sign a lease or  
24 occupancy agreement; and

25           (ii) That is funded in whole or in part from the state omnibus  
26 capital appropriations act, state omnibus operating appropriations  
27 act, housing finance commission programs, housing authorities, or  
28 local government housing funds.

29           (f) "Homeless person" has the same meaning as defined in RCW  
30 43.185C.010.

31           (2) All rates, terms, and conditions made, demanded or received  
32 by a locally regulated utility for attachments to its poles must be  
33 just, reasonable, nondiscriminatory and sufficient. A locally  
34 regulated utility shall levy attachment space rental rates that are  
35 uniform for the same class of service within the locally regulated  
36 utility service area.

37           (3) Nothing in this section shall be construed or is intended to  
38 confer upon the utilities and transportation commission any authority  
39 to exercise jurisdiction over locally regulated utilities.

1       (4) (a) A locally regulated utility located, in whole or in part,  
2 within a county or a city in which a state of emergency has been  
3 declared related to homelessness must waive connection charges for  
4 properties used by a nonprofit organization, local agency, or any  
5 other legal entity that provides emergency shelter for homeless  
6 persons or victims of domestic violence who are homeless for personal  
7 safety reasons.

8       (b) A locally regulated utility that is not located within a  
9 county or a city in which a state of emergency has been declared  
10 related to homelessness may waive connection charges for properties  
11 used by a nonprofit organization, local agency, or any other legal  
12 entity that provides emergency shelter to homeless persons or victims  
13 of domestic violence who are homeless for personal safety reasons.

14       NEW SECTION. Sec. 3. A new section is added to chapter 35.92  
15 RCW to read as follows:

16       (1) Municipal utilities formed under this chapter and located, in  
17 whole or in part, within a county or a city in which a state of  
18 emergency has been declared related to homelessness must waive  
19 connection charges for properties used by a nonprofit organization,  
20 local agency, or any other legal entity that provides emergency  
21 shelter for homeless persons or victims of domestic violence who are  
22 homeless for personal safety reasons.

23       (2) Municipal utilities formed under this chapter and not located  
24 in a county or a city in which a state of emergency has been declared  
25 related to homelessness may waive connection charges for properties  
26 used by a nonprofit organization, local agency, or any other legal  
27 entity that provides emergency shelter for homeless persons or  
28 victims of domestic violence who are homeless for personal safety  
29 reasons.

30       (3) The definitions in this subsection apply throughout this  
31 section unless the context clearly requires otherwise.

32       (a) "Domestic violence" has the same meaning as defined in RCW  
33 70.123.020.

34       (b) "Emergency shelter" means any facility:

35       (i) Whose sole purpose is to provide a temporary shelter for the  
36 homeless and that does not require occupants to sign a lease or  
37 occupancy agreement; and

38       (ii) That is funded in whole or in part from the state omnibus  
39 capital appropriations act, state omnibus operating appropriations

1 act, housing finance commission programs, housing authorities, or  
2 local government housing funds.

3 (c) "Homeless person" has the same meaning as defined in RCW  
4 43.185C.010.

5 **Sec. 4.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to  
6 read as follows:

7 Whenever a city or town waives or delays collection of tap-in  
8 charges, connection fees, or hookup fees for low-income persons,  
9 ~~((~~o~~))~~ a class of low-income persons, or emergency shelters serving  
10 homeless persons, to connect to lines or pipes used by the city or  
11 town to provide utility service, the waiver or delay shall be  
12 pursuant to a program established by ordinance. As used in this  
13 section, the provision of "utility service" includes, but is not  
14 limited to, water, sanitary or storm sewer service, electricity, gas,  
15 other means of power, and heat.

16 **Sec. 5.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to  
17 read as follows:

18 (1) Every county, in the operation of a system of sewerage and/or  
19 water, shall have full jurisdiction and authority to manage,  
20 regulate, and control it. Except as provided in subsection (3) of  
21 this section, every county shall have full jurisdiction and authority  
22 to fix, alter, regulate, and control the rates and charges for the  
23 service and facilities to those to whom such service and facilities  
24 are available, and to levy charges for connection to the system.

25 (2) The rates for availability of service and facilities, and  
26 connection charges so charged must be uniform for the same class of  
27 customers or service and facility. In classifying customers served,  
28 service furnished or made available by such system of sewerage and/or  
29 water, or the connection charges, the county legislative authority  
30 may consider any or all of the following factors:

31 (a) The difference in cost of service to the various customers  
32 within or without the area;

33 (b) The difference in cost of maintenance, operation, repair and  
34 replacement of the various parts of the systems;

35 (c) The different character of the service and facilities  
36 furnished various customers;

37 (d) The quantity and quality of the sewage and/or water delivered  
38 and the time of its delivery;

1 (e) Capital contributions made to the system or systems,  
2 including, but not limited to, assessments;

3 (f) The cost of acquiring the system or portions of the system in  
4 making system improvements necessary for the public health and  
5 safety;

6 (g) The nonprofit public benefit status, as defined in RCW  
7 24.03.490, of the land user; and

8 (h) Any other matters which present a reasonable difference as a  
9 ground for distinction.

10 (3) The rate a county may charge under this section for storm or  
11 surface water sewer systems or the portion of the rate allocable to  
12 the storm or surface water sewer system of combined sanitary sewage  
13 and storm or surface water sewer systems shall be reduced by a  
14 minimum of ten percent for any new or remodeled commercial building  
15 that utilizes a permissive rainwater harvesting system. Rainwater  
16 harvesting systems shall be properly sized to utilize the available  
17 roof surface of the building. The jurisdiction shall consider rate  
18 reductions in excess of ten percent dependent upon the amount of  
19 rainwater harvested.

20 (4) A county may provide assistance to aid low-income persons in  
21 connection with services provided under this chapter.

22 (5) The service charges and rates shall produce revenues  
23 sufficient to take care of the costs of maintenance and operation,  
24 revenue bond and warrant interest and principal amortization  
25 requirements, and all other charges necessary for the efficient and  
26 proper operation of the system.

27 (6) A connection charge under this section for service to a  
28 manufactured housing community, as defined in RCW 59.20.030, applies  
29 to an individual lot within that community only if the system of  
30 water or sewerage provides and maintains the connection.

31 (7) (a) A county in which a state of emergency has been declared  
32 related to homelessness must waive connection charges under this  
33 section for properties used by a nonprofit organization, local  
34 agency, or any other legal entity that provides emergency shelter for  
35 homeless persons or victims of domestic violence who are homeless for  
36 personal safety reasons.

37 (b) A county in which a state of emergency has not been declared  
38 related to homelessness may waive connection charges under this  
39 section for properties used by a nonprofit organization, local  
40 agency, or any other legal entity that provides emergency shelter for

1 homeless persons or victims of domestic violence who are homeless for  
2 personal safety reasons.

3 (8) The definitions in this subsection apply throughout this  
4 section unless the context clearly requires otherwise.

5 (a) "Domestic violence" has the same meaning as defined in RCW  
6 70.123.020.

7 (b) "Emergency shelter" means any facility:

8 (i) Whose sole purpose is to provide a temporary shelter for the  
9 homeless and that does not require occupants to sign a lease or  
10 occupancy agreement; and

11 (ii) That is funded in whole or in part from the state omnibus  
12 capital appropriations act, state omnibus operating appropriations  
13 act, housing finance commission programs, housing authorities, or  
14 local government housing funds.

15 (c) "Homeless person" has the same meaning as defined in RCW  
16 43.185C.010.

17 **Sec. 6.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to  
18 read as follows:

19 (1) The commission of each district which shall have revenue  
20 obligations outstanding shall have the power and shall be required to  
21 establish, maintain, and collect rates or charges for electric energy  
22 and water and other services, facilities, and commodities sold,  
23 furnished, or supplied by the district. The rates and charges shall  
24 be fair and, except as authorized by RCW 74.38.070 and by subsections  
25 (2) and (3) of this section, nondiscriminatory, and shall be adequate  
26 to provide revenues sufficient for the payment of the principal of  
27 and interest on such revenue obligations for which the payment has  
28 not otherwise been provided and all payments which the district is  
29 obligated to set aside in any special fund or funds created for such  
30 purpose, and for the proper operation and maintenance of the public  
31 utility and all necessary repairs, replacements, and renewals  
32 thereof.

33 (2) The commission of a district may waive connection charges for  
34 properties purchased by low-income persons from organizations exempt  
35 from tax under section 501(c)(3) of the federal internal revenue code  
36 as amended prior to the July 23, 1995. Waivers of connection charges  
37 for the same class of electric or gas utility service must be  
38 uniformly applied to all qualified property. Nothing in this  
39 subsection (2) authorizes the impairment of a contract.

1 (3) In establishing rates or charges for water service,  
2 commissioners may in their discretion consider the achievement of  
3 water conservation goals and the discouragement of wasteful water use  
4 practices.

5 (4) (a) The commission of a district that is located, in whole or  
6 in part, within a county or a city in which a state of emergency has  
7 been declared related to homelessness must waive connection charges  
8 for properties used by a nonprofit organization, local agency, or any  
9 other legal entity that provides emergency shelter for homeless  
10 persons or victims of domestic violence who are homeless for personal  
11 safety reasons.

12 (b) The commission of a district that is not located within a  
13 county or a city in which a state of emergency has been declared  
14 related to homelessness may waive connection charges for properties  
15 used by a nonprofit organization, local agency, or any other legal  
16 entity that provides emergency shelter for homeless persons or  
17 victims of domestic violence who are homeless for personal safety  
18 reasons.

19 (5) The definitions in this subsection apply throughout this  
20 section unless the context clearly requires otherwise.

21 (a) "Domestic violence" has the same meaning as defined in RCW  
22 70.123.020.

23 (b) "Emergency shelter" means any facility:

24 (i) Whose sole purpose is to provide a temporary shelter for the  
25 homeless and that does not require occupants to sign a lease or  
26 occupancy agreement; and

27 (ii) That is funded in whole or in part from the state omnibus  
28 capital appropriations act, state omnibus operating appropriations  
29 act, housing finance commission programs, housing authorities, or  
30 local government housing funds.

31 (c) "Homeless person" has the same meaning as defined in RCW  
32 43.185C.010.

33 NEW SECTION. Sec. 7. A new section is added to chapter 80.28  
34 RCW to read as follows:

35 (1) (a) A gas company, electrical company, wastewater company, or  
36 water company that is located, in whole or in part, within a city or  
37 county in which a state of emergency has been declared related to  
38 homelessness must waive connection charges for properties used by a  
39 nonprofit organization, local agency, or other legal entity that



1 provides emergency shelter for homeless persons or victims of  
2 domestic violence who are homeless for personal safety reasons.  
3 Expenses and lost revenues as a result of this waiver must be  
4 included in the company's cost of service and recovered in rates to  
5 other customers.

6 (b) A gas company, electrical company, wastewater company, or  
7 water company that is not located within a city or county in which a  
8 state of emergency has been declared related to homelessness may  
9 waive connection charges for properties used by a nonprofit  
10 organization, local agency, or other legal entity that provides  
11 emergency shelter for homeless persons or victims of domestic  
12 violence who are homeless for personal safety reasons. Expenses and  
13 lost revenues as a result of this waiver must be included in the  
14 company's cost of service and recovered in rates to other customers.

15 (2) The definitions in this subsection apply throughout this  
16 section unless the context clearly requires otherwise.

17 (a) "Domestic violence" has the same meaning as defined in RCW  
18 70.123.020.

19 (b) "Emergency shelter" means any facility:

20 (i) Whose sole purpose is to provide a temporary shelter for the  
21 homeless and that does not require occupants to sign a lease or  
22 occupancy agreement; and

23 (ii) That is funded in whole or in part from the state omnibus  
24 capital appropriations act, state omnibus operating appropriations  
25 act, housing finance commission programs, housing authorities, or  
26 local government housing funds.

27 (c) "Homeless person" has the same meaning as defined in RCW  
28 43.185C.010.

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